

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

LARRY JEROME KEITH,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	CIVIL ACTION NO.: 5:04-CV-143 (CAR)
	:	
BUTTS COUNTY BOARD OF	:	
COMMISSIONERS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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**ORDER**

Plaintiff **LARRY JEROME KEITH** has filed a motion to proceed *in forma pauperis* on appeal from the Court's Order adopting the United States Magistrates Judge's Recommendation that Defendant Lester Peek's Motion for Summary Judgment be granted.<sup>1</sup> (R. at 120). In the Court's best judgment, an appeal from that Order (or previous Orders) cannot be taken in good faith. 28 U.S.C. § 1915(a)(3).

Having been carefully considered, plaintiff's motion to proceed *in forma pauperis* on appeal is hereby **DENIED**.<sup>2</sup>

If plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee. Because plaintiff has stated that he cannot pay the \$455.00 immediately, he must pay using the

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<sup>1</sup>Lester Peek was the only remaining defendant in this action. The Butts County Board of Commissioners and the Butts County Sheriff's Department were dismissed in an Order dated December 17, 2004. (R. at 11 ). Thereafter, the Court entered an Order granting summary judgment to Defendants Gene Pope, Lt. Rodney Whitehead, and Linda Faulkner on January 5, 2006. (R. at 79).

<sup>2</sup>Plaintiff has also filed a Motion for Appointment of Counsel. (R. at 120). Plaintiff previously filed a Motion for Appointment of Counsel and, in an Order dated August 18, 2005, the United States Magistrate Judge denied his prior Motion. (R. at 32). For the reasons stated in the August 18, 2005 Order, plaintiff's current Motion for Appointment of Counsel is **DENIED**.

partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to §1915(b), the prison account custodian where plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to plaintiff's account until the \$455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$455.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

**SO ORDERED**, this 28th day of March, 2007.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

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